VILLAGE BOARD MEETING
October 2, 2019
Minutes

Mayor Penders called the meeting to order at 7:00 p.m. with the pledge of allegiance

Board Members Present
Deputy Mayor Nellis-Ewell
Trustee Charles Hopson
Trustee David Wohlers
Trustee Ray Kuntz
Mayor Gary Penders

Board Members Absent

Others Present
Michael Scott Beale, Luther Jacobs Way
Jill Cordts, Amity Street
Mercie Frink, Queensland Drive
Pam Gilbert, Deputy Clerk
Owen McIntee, SME Superintendent
Joan Quigley, Maplewood Avenue
Eric Stowe, Village Attorney
Brian Strohm, Elmford Road
Ginny Swarthout, Prospect Street
Terry West, Coventry Drive
Tom West, DPW Superintendent
Dave Willard, MRB Group

Approval of Minutes
A motion was made by Mayor Penders, Seconded by Trustee Hopson and carried unanimously that the Village Board Meeting Minutes from September 4, 2019 be approved as read.

Privilege of the Floor

Jill Cordts, Spencerport Area Chamber of Commerce addressed the Village Board of Trustees indicating that they will be sponsoring a wine walk on November 16, 2019; 5:00p.m. -9:00 p.m. in the central business district in the Village and is requesting an assembly permit to accommodate that. The wineries will be holding liability insurance and the Chamber will be holding liability insurance for the event.

Jill Cordts continued that the Chamber has decided to buy advertising on Spectrum News for the businesses during the bridge closure and is requesting from the Village $300 per month to help supplement that advertising campaign on spectrum news.

Mayor Penders asked how long the advertising contract is.

Jill Cordts responded one year.

Mayor Penders responded that the Village Board would discuss the advertising at the workshop meeting in October.

Administrative Committee – Mayor Penders

Resolution 48 10/2019

Introduced by: Mayor Penders
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves holding a Public Hearing for Introductory Local Law 5/2019 "A Local Law Establishing Standards for Small Cell Wireless Facilities in the Rights-of-Way of the Village of Spencerport and on Municipal Poles" to be held Wednesday, October 16, 2019 at 4:30 p.m. at the Village Office, 27 West Avenue, Spencerport, NY

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 49 10/2019

Introduced by: Mayor Penders
Seconded by: Deputy Mayor Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves holding a Public Hearing for Introductory Local Law 6/2019 "A Local Law to Amend Section 310-48 of the Village code of the Village of Spencerport" to be held Wednesday, October 16, 2019 at 4:30 p.m. at the Village Office, 27 West Avenue, Spencerport, NY

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 50 10/2019

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby approves applying for the Erie Canalway Impact Grant in the amount of $4,750.00 for the design and engineering of a parking lot and passive recreation area to be located on the undeveloped lot on N. Union Street. Tax ID #087.09-6-9

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Nay
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Sewers Committee – Trustee Wohlers, Chair

Planning/Zoning/Building Control – Deputy Mayor Nellis-Ewell, Chair

Comments submitted by: Deputy Mayor Nellis-Ewell

Complete minutes on **www.vil.spencerport.ny.us** after approval.
Architectural Review/Planning Board (ARB/PB) ~ October 1, 2019 Planning Board meeting
I did not attend. Union Street LLC, 148 South Union Street, Spencerport, NY 14559
Continuation of discussion re: building project, parking

Tabled

SUMMARY

Zoning Board of Appeals (ZBA) Meeting ~ Meeting September 19, 2019
1) Theresa Knighton, 120 Nichols Street, Spencerport, NY 14559: Special Permit and two (2) area variances
- Special Permit: to allow approximately 100 ft of 6 ft tall privacy fence located outside of side setback
- Area Variances: any privacy fence must be located not nearer to a side line than the required side line setback and a privacy fence shall not exceed a total length of 65 ft, pursuant to Chapter 340- 32 A (4)(a), Chapter 340-32 A (4)(b), respectively, in Residential District. Applicant stated fence in place: privacy fence by garage, 6 ft x 8 ½ ft wide panels. Neighbor has dogs with electric collars; combination rear chain link + privacy fence combination

Condition: Needs Building Permit
Resolutions 425, 426 & 427
Disposition: Special Permit & Area Variances approved

2) Saint John the Evangelist Church, 55 Martha Street, Spencerport, NY 14559: Area Variance
- to construct 748 sq ft addition to existing accessory structure for total sq footage of 1408 sq ft
- maximum sq footage for Class II accessory building is 1000 sq footage,pursuant to Chapter 340-14 E in Residential District.
Applicant, Church maintenance person, stated more space needed to store grounds, plowing equipment, etc.
Resolution: 430
Disposition: Area Variance approved

3) Michael Koyoumjian, 12 Hillside Drive, Spencerport, NY 14559: Area Variance
- to construct 8 ft x 24 ft accessory structure in addition to existing 192 ft accessory structure
- only one Class II structure allowed, pursuant to Chapter 340-14 D in R-1 Residential District.
Applicant stated existing accessory structure for lawn furniture storage; pie-shaped lot and tree removal contribute to need for another
Resolution: 431
Disposition: Area Variance approved

4) William Ewsuk, 233 Hilltop Lane, Spencerport, NY 14559: Special Permit to allow two (2) ancillary vehicles on property located at same, whereas one (1) ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 318-4 (E) in a Residential District.
Tabled from previous meeting (3 members); 4 Zoning Board of Appeals members present

- Applicant responded to appearance ticket.
- Details provided by Village of Spencerport Code Enforcement Officer.
Applicant stated one vehicle removed
Resolution: 423
Disposition: All (4) opposed; no Special Permit; extra vehicles must be moved to comply with Code

5) Union Street LLC, 148 South Union Street, Spencerport, NY 14559: Special Permit & Area Variance
- to allow residential use in B-1 District
- to allow parking on lots within 500 ft of the building (overnight offsite parking)
- All parking spaces pursuant to this section to be on same same lot with building, except ZBA may permit parking spaces on any lot within 500 ft of the building, if ZBA determines it is impractical to provide parking on same lot with the building
- to allow building height of 42 ft; 35 ft maximum allowed (3-story),
pursuant to Chapter 340-19 B (6), Chapter 340-29 B & Chapter 340-21 C (3), respectively, in Commercial B-1 District
Preliminary approval, March 5, 2019 Planning Board (site plan); passed unanimously with Contingencies

Applicant's lawyer, Betsy Bruge, Esq., presented first, stated no adverse effect.
Kris Schultz reiterated project details; SRF parking study.
Anthony Alonci, business neighbor, stated "no problem with"/supportive of building, yet does not want to lose restaurant (or their apartments') parking. Tenants call when they cannot find parking spaces.
- Village to possibly post more 24 hr. parking spaces.
- Monroe County Department of Planning & Development sent comments September 11, 2019
Kris Schultz stated project start: "Right away, best while bridge under construction, working it out". Also staging area.
Larry Fennity/Architect: For height variance: land slopes, meaning buildings closest to Erie Canal higher sea level, though not as tall as new building. New building height + sea level height results in about 9 ft difference, tallest at decorative pediment/south side, designed to hide a/c unit, etc.

- ✓ Special permit - Approved residential in B-1 District, allow parking on lots within 500 ft. (building parking spaces (7) first
- ✓ Area variance – Approved height as explained above

Building Control – Building Inspector Smith meets with Mayor Penders as scheduled.
Code Enforcement Officer McQuilkin reports at workshop meetings.

Code Review – As scheduled: ongoing, process improvements

Finance Committee – Mayor Penders, Chair

Resolution 51 10/2019

Introduced by: Mayor Penders
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves investing $1,152,954.34 of the General Reserve; Streets & Pavement Reserve; Computer Reserve, Recycling Reserve; General Fund Equipment Reserve; Workers' Comp Reserve; Sewer Reserve; and Sewer Fund Equipment Reserve in New York Cooperative Liquid Assets Security System (NYCLASS) at a rate of 1.97%.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Facilities Committee – Trustee Hopson, Chair

A. Electric

Resolution 52 10/2019

Introduced by: Trustee Hopson
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees hereby authorizes SME Superintendent Owen McIntee to attend the NYMPA Semi-Annual Meeting October 30, 3019 at the Embassy Suites Syracuse-Destiny, Syracuse, NY.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 53 10/2019

Introduced by: Trustee Hopson
Seconded by: Deputy Mayor Nellis-Ewell

Whereas, the Electric Superintendent of the Village of Spencerport, New York, is the representative to the New York Municipal Power Agency; and
Whereas, in accordance with the bylaws of the New York Municipal Power Agency, each municipal member may cast one vote for each transaction properly brought before this meeting;

Now, therefore, be it resolved, that Owen McIntee, Electric Superintendent be and is hereby designated as the accredited delegate of the Village of Spencerport, New York.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Resolution 54 10/2019

Introduced by: Trustee Hopson
Seconded by: Trustee Wohlers

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of the Deputy Clerk to attend the Accounting and Finance Workshop Wednesday, October 16, 2019 and Thursday, October 17, 2019 to be located at the Embassy Suites by Hilton Syracuse Destiny USA, Syracuse, NY.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

B. Other (Drainage, Franchise)

Public Works Committee – Trustee Kuntz, Chair

Resolution 55 10/2019

Introduced by: Mayor Penders
Seconded by: Trustee Kuntz

Be it resolved that the Village of Spencerport Board of Trustees approves the removal of two (2) trees on Union Street Friday, October 4, 2019. These trees will be replaced by NYS upon the completion of the Bridge Project.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	David Wohlers, Trustee	Aye
	Gary Penders, Mayor	Aye

Public Safety Committee – Trustee Penders, Chair

A. Fire Department

Mayor Penders commented that a complaint was received regarding the fire siren. Mayor Penders discussed the issue with the fire department and the fire department is looking to reconfiguring the siren.

B. Police

C. Ambulance

Human Resources Committee – Mayor Penders, Chair

Economic Development Committee – Trustee Wohlers, Chair

Green Initiatives – Deputy Mayor Nellis-Ewell, Chair

Nothing requiring Board action

Notice beautification/landscaping in front of Village office

Village Clerk – Jacqueline Sullivan

Superintendent of Public Works – Thomas M. West

Superintendent West commented that he has been working with Dave Willard, MRB Group regarding the installation of new sidewalk on Main Street in the spring 2020.

Superintendent of Electric – Owen McIntee

Superintendent McIntee updated the Village Board on the auditors' financial review of the Electric Department indicating that it was excellent, and SME is financially sound. SME will be purchasing a new flor camera; light bulbs will be given to customers next week for public power week; the generator project is nearing completion and should be done by Thanksgiving.

Attorney – Eric Stowe

Unfinished Business

The Village Board discussed the advertising dollars for the Spectrum Proposal.

Attorney Stowe indicated that he needs to investigate gift, loans and use funds for advertising and will have comments by the workshop meeting on October 16th.

New Business

Past, Current and Future Events – Deputy Mayor Nellis-Ewell

Saturday, September 28 – 8:30 AM – Town of Ogden Parks and Recreation/ Kiwanis Club of Spencerport Pineway Ponds Park 5K Run/Walk & Kids' Fun Run FREE (follows 5K)
SUCCESS! 160+ participants – no bridge issue – Thank you, OPD & OSP & Volunteers

FUTURE
Saturday, October 12 – 11 AM – 2:00 PM Spencerport All-Volunteer Fire Department Open House, Station # 1/Lyell Avenue
See equipment, tour premises, meet your brave neighbors ~ Do you have working CO/smoke detectors?

Saturday, October 18 & 19 – 6:45 PM – 8:00 PM Annual Spirits of Spencerport GHOST WALK
Meet near Erie Canal Depot, Museum & Visitors Center
Meander the Village with creepy characters telling stories, true and not so true
Not appropriate for dogs or young children
$5 pp RESERVATIONS, pre-payment necessary; to register, SEE **www.SpencerportChamber.org** - EVENTS

Sunday, October 20 – NOON – 5:00 PM Annual Kiwanis Club of Spencerport Pasta Dinner @ Spencerport Exempts ~ $9 pp – eat-in or take out
Fundraiser for community projects including Cameron Community Ministries & Cartons for Christmas

Bills
A motion was made by Trustee Kuntz, seconded by Trustee Wohlers and carried that the bills for the Month of September 2019 be paid as presented in the amounts of:

General	$ 54,515.12
Electric	$ 81,192.12
Sewer	$ 7,829.73
Trust	$ 2,748.77
Capital	$ 2,629.52
Total	$148,915.26

Post Audit

A motion was made by Trustee Kuntz, seconded by Trustee Wohlers and carried that the post audit be approved for October 2019.

A motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell and carried that the regular meeting be adjourned at 8:18 p.m. to executive session to discuss potential litigation.

A motion was made by Mayor Penders, seconded by Deputy Mayor Nellis-Ewell and carried that the executive session be adjourned at 8:44 p.m. to the regular meeting.

A motion was made by Mayor Penders, seconded by Trustee Wohlers and carried that the regular meeting be adjourned at 8:45 p.m.